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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/707,014

11/14/2003

Yung-Hsun Wu

7748-US-PA

1013

31561

7590

06/02/2005

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

NGUYEN, THANH NHAN P

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/707,014	Applicant(s) WU, YUNG-HSUN	
	Examiner (Nancy) Thanh-Nhan P. Nguyen	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 9-11 is/are pending in the application.
 4a) Of the above claim(s) 5-8 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/14/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. This communication is responsive to Election/Restriction requirement dated 5/5/2005.
2. Applicant elects species (a), specified in claims 1-4, and 9-11; claims 5-8, and 12 are withdrawn without traverse.

Double Patenting

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 1-4, and 9-11 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-4 of prior U.S. Patent No. 6,542,210. This is a double patenting rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Skarohlid U.S. Patent No. 6,266,114.

Referring to claim 1, Skarohlid discloses a structure of a liquid crystal display, comprising: a first polarizer (104), having a first polarization direction along a first angle; a first wide view film (116) disposed under the first polarizer, the first wide view film being oriented with a second angle perpendicular to the first angle; a liquid crystal layer (120) disposed under the wide view film, the liquid crystal layer having a plurality of liquid crystal molecules aligned along the second angle; a second wide view film (126) disposed under the liquid crystal layer and oriented with the first angle; a second polarizer (128) disposed under the second wide view film with a polarization direction along the second angle; and a first phase retardation plate (110) disposed between the first polarizer and the first wide view film, wherein the first phase retardation plate is operative to produce a phase retardation effect and has a slow axis oriented along the polarization direction of the first polarizer to which the first phase retardation plate corresponds, [see fig. 1].

Referring to claim 9, Skarohlid discloses a structure of a liquid crystal display, comprising: a polarizer (104), with a polarization direction along a first angle; a wide view film disposed under the polarizer (116), wherein the wide view film is orientated to a direction with a second angle perpendicular to the first angle; a liquid crystal layer (120) disposed under the wide view film, the liquid crystal layer having a plurality of

liquid crystal molecules orientated along the second direction; and a phase retardation plate (110) disposed between the polarizer and the wide view film, wherein the phase retardation plate is operative to generate phase retardation effect with a slow axis thereof identical to polarization direction of the polarizer, [see fig. 1].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skarohlid in view of Yoda U.S Patent Application Publication No. 2003/0025862.

Referring to claims 2 and 10, Skarohlid lacks disclosure of the (first) phase retardation has a product of differential refractive index Δn and a thickness d ranged between about 20 nm to about 300 nm, where the differential refractive index Δn is the difference between refractive indices of a fast axis and the slow axis of the first phase retardation plate.

Yoda discloses a product of differential refractive index Δn and a thickness d of the retardation is preferably from 50nm to 300 nm. It has been judicially determined that overlapping ranges are at least obvious. This range, 20nm to about 300nm, would have been obvious to one of ordinary skill in the art. Further, it would have been obvious to

select such value for the retardation value to provide the effect of improving contrast, [see par. 0013].

Referring to claim 11, Skarohlid lacks disclosure of the phase retardation plate has a product of differential refractive index Δn and a thickness d ranged from about 20 nm to about 100 nm or from about 400 nm to about 600 nm, where the differential refractive index is the difference between refractive indices of a fast axis and the slow axis of the phase retardation plate.

Yoda discloses a product of differential refractive index Δn and a thickness d of the retardation is preferably from 50nm to 300 nm. It has been judicially determined that overlapping ranges are at least obvious. This range, 20nm to about 100nm, would have been obvious to one of ordinary skill in the art. Further, it would have been obvious to select such value for the retardation value to provide the effect of improving contrast, [see par. 0013].

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skarohlid in view of Yoda as discussed above, and further in view of Coates et al U.S. Patent No. 6,867,834.

Referring to claim 3, Skarohlid lacks disclosure of a second phase retardation plate disposed between the second polarizer and the second wide view film.

Coates et al discloses a second phase retardation plate (3') disposed between the second polarizer (2') and the second wide view film (4'), [see fig. 2a], for the benefit

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of improving performance for compensation of liquid crystal display, [see col. 1, line 31-32]. Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have a second phase retardation plate disposed between the second polarizer and the second wide view film for the benefit of improving performance for compensation of liquid crystal display.

Claim 4 is met the discussion regarding claims 3 and 2 rejection above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wu U.S. Patent No. 6,542,210 is the reference for double patenting rejection.

Skarohlid U.S. Patent No. 6,266,114 discloses a structure of a liquid crystal display comprising polarizers, retardation films, and 1st wide view film.

Yoda U.S Patent Application Publication No. 2003/0025862 discloses a product of differential refractive index Δn and a thickness d of the retardation is preferably from 50nm to 300 nm.

Coates et al U.S. Patent No. 6,867,834 discloses 2nd wide view film in the structure of a liquid crystal display.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Nancy) Thanh-Nhan P. Nguyen whose telephone number is 571-272-1673. The examiner can normally be reached on M-F/9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 27, 2005

TN



DUNG T. NGUYEN
PRIMARY EXAMINER